

Message Text

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PAGE 01 GENEVA 08916 131329Z

ACTION EB-08

INFO OCT-01 IO-14 ISO-00 L-03 AGRE-00 CEA-01 CIAE-00
COME-00 DODE-00 FRB-01 H-02 INR-10 INT-05 LAB-04
NSAE-00 NSC-05 PA-02 CTME-00 AID-05 SS-15 STR-07
ITC-01 TRSE-00 ICA-20 SP-02 SOE-02 OMB-01 DOE-15
AF-10 ARA-14 EA-12 EUR-12 NEA-11 /183 W
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FM USMISSION GENEVA

TO SECSTATE WASHDC 0752

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: MOST FAVORED NATION CLAUSE - INTERNATIONAL LAW
COMMISSION

REF: STATE 144484

1. GREATLY APPRECIATE REFTEL. SCHWEBEL HAS TAKEN APPROACH IN ILC IN ACCORD WITH PARAS. 1-3 OF REFTEL, AS HAVE RIPHAGEN (NETHERLANDS), VALLAT (UK) AND, IN SOME MEASURE, REUTER (FRANCE). HOW THE TEXT WILL EMERGE FROM THE DRAFTING COMMITTEE, TO WHICH IT HAS BEEN REMITTED, IS UNCERTAIN. STRONG LDC PRESSURE FOR ACCEPTING THE NJENGA TEXT WITHOUT QUALIFICATIONS MAY BE EXPECTED.

2. VALLAT, REUTER AND RIPHAGEN HAVE PRESSED REPEATEDLY TO HAVE DRAFT MFN ARTICLES RECAST SO AS TO EMBRACE MFN AGREEMENTS CONCLUDED BY EEC, AND BY OTHER GROUPS OF STATES. VEROSTA (AUSTRIA), TSURUOKA (JAPAN) AND SCHWEBEL HAVE GIVEN THEM A MEASURED SUPPORT, ON THE GROUND THAT, IF THE ARTICLES ARE TO DEAL WITH THE REAL WORLD, IT DOES NOT MAKE SENSE TO EXCLUDE SUCH AGREEMENTS.

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PAGE 02 GENEVA 08916 131329Z

BECAUSE OF THEIR WELL KNOWN ANTIPATHY TO EEC AND TO A POWER OF INTERNATIONAL ORGANIZATIONS TO BIND THEIR MEMBERS, SOVIET BLOC MEMBERS, LEAD BY USAKOV (USSR) HAVE STRONGLY RESISTED EEC DESIRES. THIRD WORLD HAS SPLIT. SOME, LIKE JAGOTA (INDIA) ARE INCLINED TO SEEK A COMPROMISE TOLERABLE TO EEC IN VIEW OF INDIA'S PARTICIPATION IN CERTAIN CUSTOMS UNION TYPE ARRANGEMENTS.

OTHERS, LIKE NJENGA (KENYA), SEEM SUSPICIOUS OF THE EEC
AND INCLINED TO SATISFY SOVIET ADAMANCE. VANDEN HEUVEL

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